

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JAMES ANDREW GILLESPIE,

Plaintiff,

vs.

UNIVERSITY OF HAWAII AT
MANOA,

Defendant.

CIV. NO. 19-00552 JMS-WRP

FINAL ORDER TO SHOW CAUSE

FINAL ORDER TO SHOW CAUSE

On October 11, 2019, pro se Plaintiff James Andrew Gillespie (“Plaintiff”) filed a Complaint alleging employment discrimination against Defendant University of Hawaii at Manoa (“Defendant”). ECF No. 1.

On September 9, 2020, Defendant filed a Motion for Summary Judgment. ECF No. 16. The court set the Motion for hearing, and directed Plaintiff to file his Opposition by October 26, 2020 and Defendant to file its Reply by November 2, 2020. ECF No. 18.

After Plaintiff failed to file an Opposition to the Motion, on November 3, 2020, the court ordered Plaintiff to file a written response by November 17, 2020 “stating whether he intends to oppose the Motion for Summary Judgment and if so, why he failed to meet the October 26, 2020

deadline” (“Order to Show Cause”). ECF No. 20. The court warned Plaintiff that “[f]ailure to file a written response by November 17, 2020 may result in automatic dismissal for failure to prosecute this action and failure to comply with a court order.” *Id.*

As of November 24, 2020, Plaintiff did not file a Response to the Order to Show Cause. Because Plaintiff has now missed two deadlines in this action—to file an Opposition to the Motion for Summary Judgment, and a Response to the Order to Show Cause—this court has serious doubts that Plaintiff intends to prosecute this action. As a result, the court issues this FINAL ORDER directing Plaintiff to SHOW CAUSE why this action should not be dismissed for failure to prosecute and failure to comply with court orders.

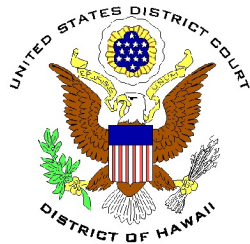
That is, Plaintiff is ORDERED to file a written response by December 10, 2020 stating whether he intends to oppose Defendant’s Motion for Summary Judgment and if so, why Plaintiff failed to meet both the October 26, 2020 and November 17, 2020 deadlines. Plaintiff is warned that failure to file a written response by December 10, 2020 will result in automatic dismissal for failure to prosecute this action and failure to comply with a court order.

Alternatively, if Plaintiff does not wish to proceed with this action, by December 10, 2020, Plaintiff may either (1) file a Motion to Dismiss; or (2) submit a Stipulation to Dismiss pursuant to Federal Rule of Civil Procedure

41(a)(1)(A)(ii) and LR41.1 of the Local Rules of Practice for the United States District Court for the District of Hawaii.¹

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, November 25, 2020.



/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

Gillespie v. Univ. of Haw. at Manoa, Civ. No. 19-00552 JMS-WRP, Final Order to Show Cause

¹ Pursuant to the Local Rules, if Plaintiff chooses to dismiss this action by stipulation, Plaintiff must submit a stipulation to dismiss, signed by all parties, to chambers at “seabright_orders@hid.uscourts.gov” or in hard copy to the Clerk’s Office for forwarding to chambers for the judge’s signature. *See* LR41.1.